

MATERNITY PAY POLICY

Maternity leave

The College's current maternity provision, offers the same benefits as the University of Cambridge, which is 18 weeks at full contractual pay and then 21 weeks at the statutory rate, making a total of 39 weeks of paid leave.

A member of staff taking maternity leave, who has been continuously employed by the College for at least 12 months by the date of her EWC, will receive College maternity pay equal to her normal salary for 18 weeks.

As specified above, Maternity pay is broken down as follows:

- **18 weeks – paid, normal rate of pay.**
- **21 weeks - if entitled, to SMP.**
- **Up to 13 weeks – unpaid**

As at 7 April 2019 the SMP rate is £148.68 per week or 90% of employee's weekly earnings if this is lower
From 5 April 2020 the SMP rate is £151.20 per week or 90% of employee's weekly earnings if this is lower

The payment during the first 26 weeks of leave will include Statutory Maternity Pay (SMP) to which she is entitled, unless the amount due under the Statutory Maternity Pay scheme is greater, in which case the SMP will be payable. If she is not entitled to SMP, the salary payable will be reduced by the amount of Maternity Allowance, which she is entitled to receive. A member of staff not eligible for SMP is entitled to Maternity Allowance unless she shows proof to the contrary

Statutory Maternity Pay (SMP) is paid for up to 39 weeks. You get:

90% of your average weekly earnings (before tax) for the first 6 weeks, or 90% of your average weekly earnings (whichever is lower) for the next 33 weeks. SMP is paid in the same way as your wages and Tax and National Insurance will be deducted.

College maternity pay can only be paid to employees who state that they intend to return to their post at St. Catharine's College at the end of their maternity leave and complete at least a further three months' service.

Those members of staff who intend to return to work and subsequently change their minds will be asked to repay the additional College payments made. Those employees who decide that they do not wish to return after their maternity leave will be paid SMP only.

Maternity pay is subject to the condition that no paid work outside the College is undertaken during the paid period of leave (up to 39 weeks).

Payment will usually be made on the member of staff's normal pay date.

Ante-natal Appointments

A member of staff will be entitled to time off with pay in order to attend antenatal appointments, which may include classes. Although where possible, these appointments should be made at the beginning and the end of the day. Your Head of Department may request to see appointment cards from the clinic. New provisions were also introduced from October 2014, whereby employees who have a 'qualifying relationship' with a pregnant woman may take unpaid time off work to attend ante-natal appointments.

Notice Requirements before Maternity Leave

By the employee:

You must notify the College of your intention to take Maternity Leave by the 15th week before your Expected Week of Childbirth (EWC), unless this is not reasonably practicable. You must submit the appropriate form provided by your doctor or midwife stating the expected week of birth usually a MAT B1 form, which is usually issued following the 20 week scan.

You may change your mind about when you want to start maternity leave, providing you give the College an appropriate amount of notice.

By the employer:

On receipt of your notification, the HR Manager will respond to your notification of leave plans within 28 days, providing a copy of this policy and procedure, confirmation of entitlements and will discuss with you an anticipated last working day. In most cases a certificate (MATB1) is issued. Upon receipt of this, the HR Manager will write to the employee and will also discuss any necessary risk assessments with your line manager.

Benefits during Maternity Leave

Maternity leave is broken down into two parts, Ordinary Maternity Leave (OML) period and the Additional Maternity Leave (AML) period. In addition, a pregnant member of staff will continue to receive all contractual benefits, except remuneration, they would normally receive during their employment with the College.

Annual holiday entitlements will continue to accrue throughout your maternity leave. Ideally, you should attempt to take all your holiday entitlement before you commence maternity leave and you will then be entitled to take accrued holiday up to the date of your anticipated return from maternity leave.

If you are a member of the College Pension Scheme, your pension rights will be maintained during your 'paid' maternity leave. You only pay contributions based on the actual earnings you receive. The College will also continue to pay the relevant employer contributions during your paid maternity leave.

No Pension Scheme contributions will be made by yourself or the College during your 'unpaid' leave, which will not count as Pensionable Service. If you wish to preserve your Pensionable Service during this period, you may choose to make up the shortfall in contributions. Please see the HR Manager for information on this and for any further Maternity Information.

Keeping in Touch (KIT) Days

Up to ten days' work under your contract of employment may be undertaken at any stage during the maternity leave period, by agreement with the College, with the exception being during the first two weeks after the baby is born.

Any day you do as a KIT day, even as little as half an hour, will be counted as a whole day for KIT days. KIT days can be taken as single days; in blocks of two or more days; or can be taken consecutively. Once you have used up all ten KIT days and then do any further work, you will lose a week's SMP for the week in the Maternity Pay Period in which you have done that work. If a week in the Maternity Pay Period contains only KIT days, you will be paid SMP for that week.

For any KIT days that you work under your contract of service for the College, the College will pay you SMP for that week as a minimum. Any contractual payment for the work done as a KIT day will depend on the agreement between you and the College.

Notification of Return to Work

If a member of staff intends to return to work at the end of her paid maternity leave period she is not required to give formal notice of her return and it will be assumed that she will resume work. If she wishes to return earlier she should give 28 days' written notice of her formal intention to return.

We will assume that you are returning to work the day after your maternity leave ends, unless you tell us otherwise. If you wish to return to work before the end of the ordinary and additional maternity leave, you must give St. Catharine's 8 weeks' notice of any earlier return date.

Non-return to Work

If a member of staff is unable, because she is medically unfit to work, to return to work at the end of her entitlement to maternity leave, she should submit medical certification in the usual way; she will then transfer from maternity leave to sick leave. Subsequently the normal sickness procedure will follow. Any employee who decides to resign at any time during her maternity leave should give full contractual notice.

Tax-Free childcare

Childcare Vouchers used to be provided as a 'salary swap' arrangement here at St Catharine's, meaning you could swap some of your salary in return for Childcare Vouchers. On 4th October 2018 the Childcare Voucher scheme closed to new applicants. The Government has introduced a new scheme called Tax-Free Childcare.

Whether or not you are enrolled in a childcare voucher scheme, or you are benefiting from the newer tax-free childcare will very much depend on your personal circumstances. This new scheme is designed so that parents can save up to £2,000 per child off the cost of their childcare each year or £4,000 for disabled children.

If you need to find out more about this scheme, then please do not hesitate to speak directly to the HR Manager or your HoD.

Paternity Leave

Fathers who have worked continuously for the College for 26 weeks leading into the 15th week before the baby is due can take paid paternity leave. This can be for either one or two consecutive weeks (not odd days or single weeks) within 56 days of the birth of their child, or on or after adoption of a child. Where possible you are required to give reasonable notice if you intend to take paternity leave.

Statutory Paternity Pay

During their paternity leave, most employees will be entitled to Statutory Paternity Pay (SPP). Subject to meeting the eligibility requirements, an employee who is the father of a child, or its mother's husband/partner and who expects to have responsibility for the child's upbringing (or an adoptive parent who is not taking adoption leave) is entitled to two weeks' paid statutory paternity leave.

SPP will be paid for either one week or two consecutive weeks as chosen by the employee. The rate of SPP will be the same as the standard rate of Statutory Maternity Pay (SMP), or 90% of average weekly earnings (whichever is less). The leave must be taken during the eight-week period beginning with the child's birth date (or placement with its new parents for adoption within the UK, or date of entry into the UK for overseas adoptions). It can be taken as one single week's leave or two consecutive week's leave, but a week can commence on any day.

In the case of adoption, where a child is adopted jointly, either of the adoptive parents may take the two week period of statutory paternity leave. The partner of an individual who is adopting will also be able to qualify for statutory paternity leave and pay if he/she can demonstrate that he/she is to share the responsibility for the child's upbringing.

Employees who have average weekly earnings below the Lower Earnings Limit for National Insurance purposes will not qualify for SPP. Employees who do not qualify for SPP, or who are normally low paid, may be able to get Income Support while on paternity leave. Additional support may be available through Housing Benefit, Council Tax Benefit and Tax Credits. Further information is available from the local Jobcentre Plus Office.

Here at St Catharine's College, we enhance the statutory provision and pay two weeks of Paternity Leave to the father at their normal rate of pay.

Additional Statutory Paternity Leave

It is perhaps worth mentioning this, not least as additional statutory paternity leave was in existence until April 2015. Post April 2015, parents may instead take shared parental leave.

Adoption Leave

Adoption leave is available to all employees who are placed with a child on or after 5 April 2015. An employee who has 26 weeks' service by the end of the week in which he/she is notified of having been matched with the child may also be entitled to statutory adoption pay.

The rights to adoption leave are set out in part 8, section 1a of the Employment Rights Act 1996. Schedule 5 of the Social Security Act 1989 requires an employer to continue to make pension contributions based on the employee's normal salary for any period of paid maternity, paternity, adoption or family leave.

The period of adoption was increased under the Work and Families Act 2006 and KIT days were introduced, under which employees on adoption leave can work for up to 10 days without ending their leave period or losing their entitlement to statutory adoption pay. As from April 2015, parents matched for adoption with 2 children will be permitted to take time off to attend adoption appointments.

Where employees are eligible, an employee who has a child placed for adoption with him/her on or after 5 April 2015 (subject to the eligibility conditions) will be entitled to receive 39 weeks' paid statutory adoption pay. The first six weeks of statutory adoption pay are paid at 90% of normal weekly earnings; the next 33 weeks are paid at the fixed weekly rate.

Parental Leave

Parental leave will be granted if you have completed one year's continuous service and you have the responsibility for a child under the age of 18 years. The amount of parental leave granted is an overall total of 18 weeks per parent, per child. A maximum of 4 weeks per year can be taken and parental leave is unpaid. If you adopt a child, you can also take advantage of this scheme.

As previously mentioned, Parental leave is unpaid, and, where possible, the relevant salary deduction will be made in the month in which the leave is taken. If you wish to take leave you are required to give a minimum of 21 days' notice.

Where possible applications for parental leave will be granted. However, there may be occasions where this could be impractical and have an adverse effect on the smooth running of the College. In these circumstances the College may postpone the leave for up to 6 months. If you take parental leave you will be entitled to go back to the same job.

Time off Work to Care for Dependants

Irrespective of length of service with the College, employees are entitled to take a reasonable amount of time off during working hours to deal with an emergency involving a dependant. A dependant is a spouse or partner, child, parent or someone who lives with the employee as part of his or her household, excluding tenants or boarders living in an employee's home, or someone who lives in an employee's home as an employee. Employees may take time off work to deal with an unexpected or sudden problem, to assist with making any necessary long term arrangements in the following circumstances:

- If a dependant falls ill or has been injured or assaulted.
- When a dependant is having a baby.
- To make long-term care arrangements for a dependant who is ill or injured.
- To deal with the death of a dependant.
- To deal with an unexpected disruption or breakdown of care arrangements for a dependant.
- To deal with an unexpected incident involving your child during school hours.

There is no general right to take time off for domestic incidents, only those which involve the need to care for a dependant. You must notify your Head of Department as soon as is reasonably practicable of the circumstances giving rise to the leave.

Time off work to take care for dependants is unpaid, and, where possible, the relevant salary deduction will be made in the month in which the leave is taken. However, the College understands that such

circumstances can be unexpected and sometimes difficult to manage, so please do not hesitate to speak to your HoD if such events affect you.

Employees have the right to take a 'reasonable' amount of unpaid time off to deal with an emergency involving a dependant, including coping with a child's death. On 13th September 2018, a new law was introduced – the Parental Bereavement (Leave and Pay) Act 2018. This law helps to support employees who tragically lose a child under the age of 18, or suffer a stillbirth from the 24th week of pregnancy. Employees are entitled to two week's unpaid leave as a right from day one of their employment.

The Right to Apply for Flexible Working

Employees who are parents of children aged under six years, or of disabled children aged under 18 years, or who are (or expect to be) carers of an adult, have the right to apply to work flexibly. Employees must consider any effects it will have on the College and how these might be accommodated. The College has a statutory duty to consider all applications seriously.

The employee has a responsibility to think carefully about their desired working pattern when making an application and the College is required to follow a specific procedure to ensure requests are considered flexibly.

In order to make a request, an individual will need to:

- Have worked at the College continuously for 26 weeks at the date the application is made.
- Have a child under six years, or under 18 years in the case of a disabled child.
- Make the application no later than two weeks before the child's sixth birthday or 18th birthday in the case of a disabled child.
- Have or expect to have responsibility for the child's upbringing.
- Be making the application to enable them to care for the child.
- Not be an agency worker.
- Not have made another application to work flexibly under the right during the past 12 months.
- Be or expecting to be caring for an adult who is married to, or the partner or civil partner of the employee; or is a near relative of the employee; or falls into neither category but lives at the same address as the employee.

If you would like to discuss a case in more detail, please discuss with your Head of Department and/or the HR Manager. The College has 28 days in which to consider the application and although legislation does *not* provide an automatic right to work flexibly it does aim to facilitate discussion and encourage both the employee and the employer to find a solution that suits them both.

Shared Parental Leave (SHPL)

The regulations that will implement Shared Parental leave came into force on 1st December 2014.

Mothers of babies due on or after 5 April 2015, or parents of children placed with them for adoption in Great Britain on or after this date, may choose to end their maternity/adoption leave early and convert the untaken balance of leave into 'Shared Parental Leave' (SPL) and 'Shared Parental Pay' (ShPP).

The employee must take the first two weeks of his/her statutory maternity/adoption leave (four weeks if the birth mother works in a factory) but can then elect to end the SML/SMP and SAL/SAP

(or commit to ending it at a future date) and share the remaining 50 (48) weeks with the father/partner (provided that both parents satisfy the eligibility test).

The parents may take time off together if they wish to and they are not compelled to take their leave in one continuous block. As long as employees meet the eligibility criteria and provide the correct notice, he/she can determine when to take a block of SHPL and can legitimately give notice for up to three blocks of leave. The leave must be taken in one-week blocks it cannot be taken as split weeks.

If you would like to cease your maternity/adoption leave early and convert it to Shared Parental leave, please speak directly to the HR Manager for a more detailed description of how shared Parental leave works in practice and for the necessary forms to complete.

IMPLEMENTATION, MONITORING AND REVIEW OF THIS POLICY

The HR Manager has overall responsibility for implementing and monitoring this policy, which will be reviewed on a regular basis following its implementation (at least annually) and additionally whenever there are relevant changes in legislation or to our working practices.

Any queries or comments about this policy should be addressed to the HR Manager.